

Introduced by Senator Correa

December 6, 2010

An act to add Section 51230 to, and to add Article 3.7 (commencing with Section 32230) to Chapter 2 of Part 19 of Division 1 of Title 1 of, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as introduced, Correa. Pupils: teen dating violence prevention.

Existing law requires a school district that provides instruction to pupils in grades 7 to 12, inclusive, to provide an adopted course of study to those pupils, as specified. Existing law requires the State Board of Education to adopt content standards in certain curriculum areas.

This bill would authorize a school district to provide teen dating violence prevention education consisting of age-appropriate instruction, as developed by the state board pursuant to the bill, as part of the sexual health and health education program it provides to pupils in grades 7 to 12, inclusive. The bill would authorize a school district to use school district personnel or outside consultants who are trained in the appropriate courses to provide this additional instruction. The bill would specify the required content and criteria for this additional instruction and any associated materials if a school district elects to provide it. The bill would provide that a parent or guardian of a pupil has the right to excuse his or her child from all or part of the teen dating violence prevention education and any assessments related to it, and would prescribe the procedure for a parent or guardian to exercise that right.

The bill would require the state board to incorporate teen dating violence and sexual violence curriculum into the health curriculum framework at its next revision, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 3.7 (commencing with Section 32230) is added to Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code, to read:

Article 3.7. Teen Dating Violence Prevention

32230. (a) This chapter shall be known and may be cited as the California Teen Dating Violence Prevention Education Act.

(b) The purposes of this chapter are as follows:

(1) To encourage pupils to develop healthy relationships and to recognize dating violence warning signs and characteristics of healthy relationships.

(2) To provide pupils with the knowledge, skills, services, and information to prevent and respond to teen dating violence.

32231. The Legislature finds and declares all of the following:

(a) Teen dating violence is a pattern of actual or threatened acts of physical, sexual, and emotional abuse, perpetrated by an individual, acting alone or in concert with one or more persons, against a current or former dating partner who is an adolescent.

(b) Abuse may include insults, coercion, social sabotage, sexual harassment, threats, Internet abuse or cyber bullying, and acts of physical or sexual abuse.

(c) Teen dating violence crosses racial, cultural, gender, sexual orientation, gender identity, and socioeconomic lines.

(d) Teen dating violence and sexual assault are leading causes of truancy and are associated with poor academic performance.

(e) Victims of teen dating violence are more likely to bring a weapon onto school grounds.

(f) Teen perpetrators of dating violence are more likely to batter their intimate partners as adults.

(g) Teen dating violence and sexual assault are public health issues that affect the quality of life of pupils and the safety of school campuses.

32232. For purposes of this article, the following definitions apply:

1 (a) “Abuse of property” means damaging or destroying the
2 property of another.

3 (b) “Dating partner” means any person involved in an intimate
4 relationship with another person primarily characterized by the
5 expectation of affectionate involvement, whether casual, serious,
6 or long term.

7 (c) “Healthy relationship” means an equal relationship free from
8 abusive, violent, and controlling behavior in which each person
9 respects the other’s right to have his or her own opinions, friends,
10 and activities, and each person can openly communicate with the
11 other.

12 (d) “Inappropriate sexual behavior” means any unwanted sexual
13 contact including sexual battery, touching, kissing, caressing, and
14 rubbing.

15 (e) “Internet abuse” or “cyber bullying” means verbal or
16 psychological abuse or threats using electronic means including
17 cell phone texting, e-mail, Internet Web postings, blogs, or social
18 networking sites.

19 (f) “Nonverbal abuse” means intimidation, threats, or
20 harassment, whether direct, by electronic means, or through other
21 persons.

22 (g) “Obscene materials” means sexually explicit notes, graffiti,
23 drawings, photos, or any other material that is made to be or is
24 otherwise presented in a sexually explicit nature.

25 (h) “Physical abuse” means shaking, arm twisting, pushing,
26 hitting, kicking, slapping, choking, hair pulling, physical
27 intimidation, or any behavior that may result in injury.

28 (i) “Physical intimidation” means an attempt to frighten or
29 coerce another person by restraining them, blocking their
30 movements or exits, punching walls, or throwing things.

31 (j) “Reproductive control” means forms of coercion that interfere
32 with a person’s ability to control his or her reproductive life
33 including intentionally exposing a partner to sexually transmitted
34 infections, attempting to impregnate a young woman against her
35 will, intentionally interfering with birth control methods, or
36 threatening or acting violent if she or he does not comply with the
37 perpetrator’s wishes regarding contraception or the decision
38 whether to terminate or continue a pregnancy.

39 (k) “Sexual assault” means any offense specified in paragraph
40 (1) of subdivision (b) of Section 264.2 of the Penal Code.

(l) “Sexual harassment” means any unwanted sexual attention, including catcalls, verbal or written comments about a person’s body or sexual conduct, sexual gestures, or spreading sexual gossip or graffiti.

(m) “Sexual violence” means sexual assault, sexual abuse, or sexual stalking of a minor child or teenager, including sexual violence committed by perpetrators who are strangers to the victim and by perpetrators who are known by, or related by blood or marriage to, the victim. “Sexual violence” can involve sexual harassment, inappropriate sexual behavior, and sexual assault.

(n) “Stalking” means willfully and repeatedly following or harassing another person or making a threat with the intent to place that person in fear for his or her safety, or the safety of his or her family.

(o) “Teen dating violence” means a pattern of behavior where a person uses threats of physical abuse or actual physical abuse, sexual abuse, verbal abuse, or emotional abuse to control his or her current or former dating partner and one or both of the partners is a teenager. “Teen dating violence” can include verbal abuse, written materials, use of weapons, the destruction of property, stalking, Internet abuse or cyber bullying, and other forms of intimidation.

(p) “Verbal abuse” means the use of threats, put-downs, name-calling, insults, offensive language, sexually explicit or homophobic language, screaming, or yelling.

(q) “Written materials” means notes, graffiti drawings, photos, obscene materials, or any other printed, electronic, or written expressions.

32233. (a) A school district may provide teen dating violence prevention education consisting of age-appropriate instruction, as developed by the state board pursuant to Section 51230, as part of the sexual health and health education program it provides to pupils in grades 7 to 12, inclusive. A school district may use school district personnel or outside consultants who are trained in the appropriate courses to provide this additional instruction.

(b) A school district that elects to offer teen dating violence prevention education pursuant to this section shall include instruction and materials regarding teen dating violence and sexual violence that include methods for all of the following:

(1) Recognizing what constitutes a healthy relationship.

(2) Identifying teen dating violence, verbal abuse, nonverbal abuse, physical intimidation, stalking, physical abuse, inappropriate sexual behavior, sexual harassment, sexual violence, sexual assault, and Internet abuse and cyber bullying.

(3) Locating sources for legal, medical, mental health, and other supportive services regarding teen dating violence.

(c) A school district that elects to offer teen dating violence prevention education pursuant to this section shall satisfy all of the following criteria:

(1) Instruction and materials shall be age appropriate.

(2) All factual information presented shall be medically accurate and objective.

(3) Instruction shall be made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in this code.

(4) Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, gender identities, and ethnic and cultural backgrounds and with pupils with disabilities.

(5) Instruction and materials shall be accessible to pupils with disabilities, including, but not limited to, the provision of a modified curriculum, materials and instruction in alternative formats, and auxiliary aids.

(6) Instruction and materials shall encourage a pupil to communicate with his or her parents or guardians about human sexuality, and should provide the skills to initiate those discussions.

(7) Instruction and materials shall teach respect for marriage and committed relationships that are voluntary, healthy, and safe.

(8) Instruction and materials shall teach pupils the skills to recognize and aspire to healthy, respectful relationships including all of the following:

(A) Communication skills that help them discuss and resolve conflicts within intimate relationships with respect and nonviolence.

(B) Critical thinking skills.

(C) Skills to negotiate with an intimate partner.

(D) Skills for pupils to recognize and understand their own individual boundaries, and recognize and respect the boundaries of others.

1 (9) Instruction and materials shall not teach or promote religious
2 doctrine.

3 (10) Instruction and materials shall not reflect or promote bias
4 against any person on the basis of any category protected by
5 Section 220.

6 32234. It is the intent of the Legislature to encourage pupils
7 to communicate with their parents or guardians about human
8 sexuality and teen dating violence and to respect the rights of
9 parents or guardians to supervise their children's education on
10 these subjects. The Legislature intends to create a streamlined
11 process to make it easier for parents and guardians to review
12 materials and evaluation tools related to teen dating violence
13 prevention education, and, if they wish, to excuse their children
14 from participation in all or part of that instruction or evaluation.
15 The Legislature recognizes that while parents and guardians
16 overwhelmingly support medically accurate, comprehensive sex
17 education, parents and guardians have the ultimate responsibility
18 for imparting values regarding human sexuality to their children.
19 A parent or guardian of a pupil has the right to excuse his or her
20 child from all or part of teen dating violence prevention education,
21 and assessments related to that education, as follows:

22 (a) At the beginning of each school year, or, for a pupil who
23 enrolls in a school after the beginning of the school year, at the
24 time of that pupil's enrollment, each school district that provides
25 teen dating violence prevention education pursuant to this article
26 shall notify the parent or guardian of each pupil about instruction
27 in teen dating violence prevention education and research on pupil
28 health behaviors and risks planned for the coming year. The notice
29 shall do all of the following:

30 (1) Advise the parent or guardian that written and audiovisual
31 educational materials used in comprehensive teen dating violence
32 prevention education are available for inspection.

33 (2) Advise the parent or guardian whether the teen dating
34 violence prevention education will be taught by school district
35 personnel or by outside consultants. A school district may provide
36 teen dating violence prevention education, to be taught by outside
37 consultants, and may hold an assembly to deliver teen dating
38 violence prevention education by guest speakers, but if it elects to
39 provide teen dating violence prevention education in either of these
40 manners, the notice shall include the date of the instruction, the

1 name of the organization or affiliation of each guest speaker, and
2 information stating the right of the parent or guardian to request
3 a copy of this section.

4 (3) Include information explaining the parent's or guardian's
5 right to request a copy of this chapter.

6 (4) Advise the parent or guardian that the parent or guardian
7 may request in writing that his or her child not receive teen dating
8 violence prevention education.

9 (5) Upon written request to the school principal, a parent or
10 legal guardian of a pupil less than 18 years of age, within a
11 reasonable period of time after the request is made, shall be
12 permitted to examine the teen dating violence education program
13 instructional materials at the school in which his or her child is
14 enrolled.

15 (b) Notwithstanding Section 51513, anonymous, voluntary, and
16 confidential research and evaluation tools to measure pupils' health
17 behaviors and risks, including questionnaires and surveys
18 containing age-appropriate questions about the pupil's attitudes
19 concerning teen dating violence, may be administered to any pupil
20 in grades 7 to 12, inclusive, if the parent or guardian is notified in
21 writing that this questionnaire or survey is to be administered and
22 the pupil's parent or guardian is given the opportunity to review
23 the questionnaire or survey and to request in writing that his or
24 her child not participate.

25 (c) The use of outside consultants or guest speakers as described
26 in paragraph (2) of subdivision (a) is within the discretion of the
27 school district.

28 (d) A pupil may not attend any class in teen dating violence
29 prevention education, or participate in any anonymous, voluntary,
30 and confidential questionnaire or survey on pupil health behaviors
31 and risks, if the school has received a written request from the
32 pupil's parent or guardian excusing the pupil from participation.

33 (e) A pupil may not be subject to disciplinary action, academic
34 penalty, or other sanction if the pupil's parent or guardian declines
35 to permit the pupil to receive teen dating violence prevention
36 education or to participate in anonymous, voluntary, and
37 confidential questionnaires or surveys on pupil health behaviors
38 and risks.

39 (f) During the administration of teen dating violence prevention
40 education or an anonymous, voluntary, and confidential

1 questionnaire or survey on pupil health behaviors and risks, an
2 alternative educational activity shall be made available to pupils
3 whose parents or guardians have requested that they not receive
4 the instruction or participate in the questionnaire or survey.

5 SEC. 2. Section 51230 is added to the Education Code, to read:

6 51230. (a) The state board shall incorporate teen dating
7 violence and sexual violence curriculum into the health curriculum
8 framework at its next revision.

9 (b) The state board shall consult with the State Department of
10 Public Health, the Attorney General, and domestic violence and
11 sexual assault prevention advocates for advice on the development
12 of grade-level concepts and content guidelines to be incorporated
13 into the sexual health and health education program currently
14 taught at secondary schools to pupils in any of grades 7 to 12,
15 inclusive. Materials produced pursuant to this subdivision shall
16 focus on educating pupils regarding teen dating violence, sexual
17 violence, and healthy relationships.

18 (1) Teen dating violence and sexual violence education shall
19 include, but is not limited to, defining teen dating violence and
20 sexual violence, and recognizing teen dating violence warning
21 signs, and characteristics of healthy relationships, and information
22 about legal, medical, and mental health services.

23 (2) The curriculum shall focus on educating pupils regarding
24 teen dating violence and sexual violence.

25 (3) The curriculum shall be developed through interagency
26 collaborations with advocates who work in the areas of domestic
27 violence, teen dating violence, and sexual violence.

28 (c) The state board shall incorporate teen dating violence
29 prevention education into the sexual health and health education
30 program currently taught at secondary schools to pupils in any of
31 grades 7 to 12, inclusive. Teen dating violence prevention
32 education shall be an independent section in the health curriculum.

33 (d) For purposes of this section, teen dating violence, sexual
34 violence, and healthy relationships have the same meaning as
35 specified in Section 32232.